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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,648	01/07/2000	RONALD S. STEELMAN	54655USA1B/009	3344

32692 7590 05/31/2006

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

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20060516

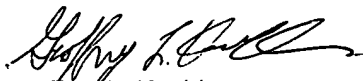
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Commissioner for Patents

See the following pages indicating the 11-28-2005 amendment is considered non-responsive to the new ground of rejection as the amended and new claims are not directed to the same subject matter as the appealed claims.

Attachment: Interview Summary Record PTOL-413B


Geoffrey L. Knable
Primary Examiner
Art Unit: 1733

Attachment to PTOL-90

1. The reply filed on November 28, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment filed November 28, 1995 is considered to be non-responsive to the new grounds of rejection under 35 USC 112, second paragraph made by the Board of Patent Appeals and Interferences as it amends the claims and adds new claims in such a manner that they are no longer considered to be "directed to the same subject matter as the appealed claims" (MPEP 1214.01(I)).

In particular, the claims on appeal all required the presence of a "Heat Neutral Pressure Source" which was defined in the specification in such a manner that the thermal conductivity and surface characteristics were such that it *did not adhere* to the nearly melted film during application. The amended claims however not only remove the reference to the Heat Neutral Pressure Source but also what was the main characterizing feature thereof, i.e. the non-adherence to the nearly melted film. Further, the surface characteristics no longer seem to be a defining feature of the invention.

Additionally, new method claims are presented that define subject matter that was not previously claimed. In particular, at least new claims 75-77, 86 and 91-93 define method requirements that constitute subject matter that was not previously claimed and thus is not "directed to the same subject matter as the appealed claims". Further, new claims 78-83 newly define an "application device" that comprises a heat source and "film contacting portion" where such a claim has no analog in the appealed claims. The closest appealed claims were directed to a "kit" that included an application

device (the "Heat Neutral Pressure Source") and a heat source - this however is not considered to define the same subject matter as an application device that includes a heat source and film-contacting portion.

As such, it is again considered that the amendment amends the claims and adds new claims in such a manner that they are no longer considered to be "directed to the same subject matter as the appealed claims" (MPEP 1214.01(I)).

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
May 16, 2006